

Notice of Allowability

Application No.

09/818,334

Examiner

Suzanne E. McDowell

Applicant(s)

HALL ET AL.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed 4/29/04.
2. ☒ The allowed claim(s) is/are 4-9 (renumbered as 1-6 respectively).
3. ☒ The drawings filed on 27 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/25/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. Applicant's election without traverse of Group II, claims 4-9, in the reply filed on 4/29/04 is acknowledged.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: Claims 1-3, 10 and 11, withdrawn without traverse, are canceled.

3. The following is an examiner's statement of reasons for allowance: the prior art does not teach or fairly suggest a method of molding polyethylene terephthalate articles where the polyethylene terephthalate contains: a fatty acid amide selected from the group consisting of oleyl palmitamide, ethylene bis stearamide, ethylene bis oleamide, and stearyl erucamide; a partially or fully calcined porous poly (methylsilsequioxane); and a stabilizer containing a primary and a secondary antioxidant in the ratio of 1:4. Maringer et al. (US Patent 5,356,489) teaches a polymeric composition which contains a fatty acid amide, a hydrated inorganic filler, an alkoxysiloxane, an antioxidant, and a low molecular weight polymer processing additive such as an aliphatic resin with ester functional groups (column 3, lines 19-41 and column 8, lines 3-16). Maringer et al. does not teach that the polymeric composition is polyethylene terephthalate, does not teach that the hydrated organic filler is fully calcined porous poly (methylsilsequioxane), and does teach that the alkoxysiloxane must be present (column 10, lines 3-8). There is no reason to modify Maringer et al. by not using the alkoxysiloxane, changing the polymer to polyethylene terephthalate and modifying the filler to be fully calcined porous poly (methylsilsequioxane).

Mills et al. (US Patent 5,610,222) teaches a polymeric film formed by adding calcined silicone resin particles to polyethylene terephthalate, wherein the polyethylene terephthalate may also contain additives conventionally utilized (column 5, lines 50-59). Mills et al. does not teach that a fatty acid amide is utilized as an additive, or that a stabilizer containing a primary and a secondary antioxidant in the ratio of 1:4 is an additive.

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Additional prior art of interest is Perez (US Patent 6,596,385) and Igarashi et al. (US Patent 4,837,115).

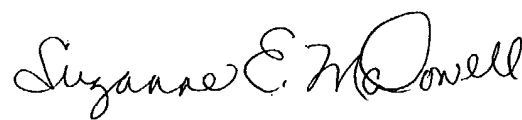
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on M, W, Th 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEM
August 9, 2004


SUZANNE E. MCDOWELL
PRIMARY EXAMINER